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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,892	03/12/2001	Bernd-Friedrich Scholl	P00 2002	8628

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EXAMINER
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ELVE, MARIA ALEXANDRA

ART UNIT	PAPER NUMBER
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1725

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DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/743,892

Applicant(s)  
Scholl et al.

Examiner  
M. Alexandra Elve

Art Unit  
1725



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3 - 4 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 - 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 1725

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 2 & 3 have been renumbered to be claims 3 & 4.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Rocca et al. (US Pat. 4,751,365) in view of Miller et al. (US Pat. 4,642,439).

Art Unit: 1725

La Rocca et al. discloses the butt welding of pieces using two laser beams. The flat surfaces are placed against the surface of the other piece in welding position and the two ribs are welded simultaneously by means of opposed laser beams moving along the zone of contact between the ribs and the surface of the other piece. An alternate involves the use of a sheet of welding material having an aperture therein which is located between the two pieces to be welded. The two laser beams move along opposite surfaces of the apertured sheet to weld the two pieces together by means of the intermediate sheet (abstract, col. 2, lines 3-10, col. 3, lines 17-23 & col. 4, lines 6-12). La Rocca et al. does not teach beam deflection or plate-like interconnect carriers laminated on both sides.

Miller et al. teaches the use of two laser beams focussing means and laser optics systems opposite from each other which contour and sever lens material such as silicone elastomer (abstract & col. 2, lines 45-67). The lens material is placed between a first and second beam focussing means situated opposite each other which means are laser optics systems capable of projecting a ring-shaped beam of electromagnetic radiation having a wavelength in the infrared spectrum and having an appropriate level of energy in the direction of the workpiece such that one ring-shaped beam from each laser optics system strikes the surface of the workpiece at which the beam is directed in such a position and at such an angle relative to each respective surface that a fully contoured peripheral edge can be obtained and thereafter passing a beam so such laser radiation from at least one infrared laser radiation source through each of the laser optics systems for a sufficient period of time to fully edge contour and sever the lens from the workpiece. By

Art Unit: 1725

altering the angle or angles, the edge contour and the location of the laser points are moved (col. 3, lines 25-40 & col. 5, lines 48-56). Focussing elements are mounted so that they are movable parallel to an axis in order to permit focussing of the beams during the operation of the apparatus. Optionally, axicons can be moved and cones can also permit motion parallel to the axis so that diameter and position of the beams may be altered (col. 9, lines 5-35). It would have been obvious to one of ordinary skill in the art at the time of the invention to use devices for beam motion, as taught by Miller et al. in the La Rocca et al. system because it gives more versatility to the welding system.

Intended use has been continuously held not be germane to determining the patentability of the apparatus, In re Finsterwalder 168 USPQ 530, *Ex parte Masham* 2 USPQ 2d. 1647.

### ***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is (703) 308-0092. The examiner can normally be reached Monday to Friday from 6:30 AM to 3:00 PM.

Art Unit: 1725

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn, can be reached on (703) 308-3318. The fax number for the group is (703) 872-9310.

Any inquiry of general nature to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0661.



**M. ALEXANDRA EL**  
**PRIMARY EXAMINER**

June 28, 2002.